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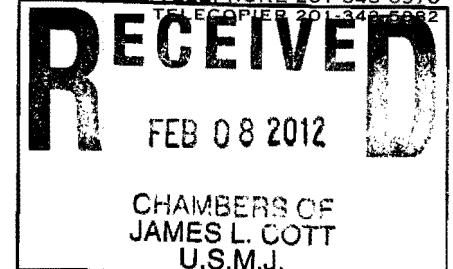
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February 7, 2012

BY HAND

Hon. James L. Cott
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Fireman's Fund Ins. Co., et al. v.
Great Am. Ins. Co. of N.Y., et al.*
10 Civ. 1653 (JPO) (JLC)
Our File: 42-55

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>2/8/12</u>

Dear Judge Cott:

We represent the Plaintiffs in the above-referenced action.

A settlement conference before Your Honor has been scheduled for February 27, 2012. According to Your Honor's Standing Order for All Cases Referred for Settlement, counsel are to submit an *ex parte* settlement letter that is not to exceed ten pages in length unless otherwise permitted by the Court. We write to seek the Court's leave to submit an *ex parte* settlement letter on behalf of the Plaintiffs that is in excess of ten pages.

The Plaintiffs are composed of primary insurers and bumbershoot insurers (of which one is also a primary insurer). They jointly assert a single cause of action against Defendant Great American Insurance Company of New York. The bumbershoot insurers alone assert a single cause of action against Defendant Max Specialty Insurance Company. The two causes of action assert separate and distinct claims that are independent of one another.

USDC SDNY
DATE SCANNED 2/8/12

Hon. James L. Cott

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February 7, 2012

The cause of action against Great American concerns a policy of pollution liability insurance that provides primary coverage to Signal International, LLC.¹ The cause of action against Max Specialty concerns a policy of property insurance that provides excess coverage to Signal in excess of a primary policy that was issued by an insurance company that is not a party to this action.

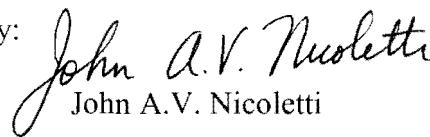
We request leave to exceed the page limit because we do not believe that we can adequately state the case against Great American and the separate case against Max Specialty within the usual limit of ten pages. Each cause of action turns largely on the differing terms and conditions of the Defendants' respective policies. Although the causes of action share some facts in common, the legal analysis for each differs. We do not believe that we can adequately present our evaluation of the settlement values of the two claims and our rationale for those values within ten pages. Each defendant, in contrast, will have up to ten pages to state their respective case against the Plaintiffs.

Therefore, we respectfully request that we be permitted to submit an *ex parte* settlement letter on behalf of the Plaintiffs that is not to exceed twenty pages in length.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By:



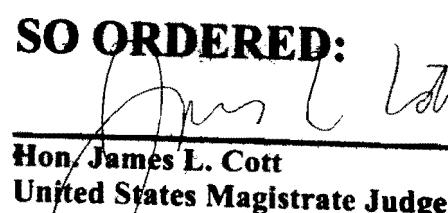
John A.V. Nicoletti

cc: **VIA FACSIMILE**

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SO ORDERED:


Hon. James L. Cott
United States Magistrate Judge

2/8/12

¹ The Plaintiffs' claims against Signal have been resolved.

Hon. James L. Cott

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February 7, 2012

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